

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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**CESAR GALLARDO,  
individually on behalf of himself and  
others similarly situated,**

**Plaintiffs,**

**No.1:16-cv-01055**

**v.**

**LOS PORTALES BOLIVAR LLC,  
LOS PORTALES HENDERSON LLC,  
and TOMAS LEON, and ROY SALVADOR**

**Defendants.**

**JURY DEMAND  
FLSA COLLECTIVE ACTION**

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**PLAINTIFF'S MOTION FOR APPROVAL OF 29 U.S.C. § 216(b) NOTICE AND  
CONSENT FORMS AND TO ORDER DISCLOSURE OF CURRENT AND FORMER  
EMPLOYEES**

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Comes now Plaintiff, through counsel, and moves this Court to: (1) authorize this case to proceed as a collective action for overtime violations under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 216(b) on behalf of non-exempt employees who worked for Defendants, who were subject to Defendants' practices of failing to pay proper overtime wages and minimum wage pursuant to the FLSA during the last three years; (2) issue an Order directing Defendants to immediately provide a list of names, last known addresses, and last known telephone numbers for all putative class members within the last three years; (3) issue an Order that notice be prominently posted at Defendants' facilities where putative class members work, attached to current employees' next scheduled paycheck, and be mailed to the employees so that they can

assert their claims on a timely basis as part of this litigation; and (4) Order that the opt in plaintiffs Consent Forms be deemed “filed” on the date they are postmarked.

A memorandum of law setting forth the grounds for this motion is filed contemporaneously herewith.

Respectfully submitted,

GILBERT RUSSELL McWHERTER  
SCOTT BOBBITT PLC

s/ Michael L. Russell  
MICHAEL L. RUSSELL #20268  
EMILY S. EMMONS #33281  
341 Cool Springs Boulevard, Suite 230  
Franklin, Tennessee, 37067  
615-354-1144 Telephone  
731-664-1540 Facsimile  
[mrussell@gilbertfirm.com](mailto:mrussell@gilbertfirm.com)  
[eeemons@gilbertfirm.com](mailto:eeemons@gilbertfirm.com)

CLINTON H. SCOTT #23008  
101 North Highland  
Jackson, Tennessee 38301  
(731) 664-1340 Telephone  
(731) 664-1540 Facsimile  
[cscott@gilbertfirm.com](mailto:cscott@gilbertfirm.com)

*ATTORNEYS FOR PLAINTIFF*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Memorandum was filed electronically on the 4<sup>th</sup> day of April, 2016. Additionally, the foregoing was attached to the Summons and Complaint when the Summons and Complaint were submitted for service of process.

s/Michael L. Russell